

May 19, 2003

SUBJECT: Clearance Procedures for Non-Citizens to Work in ARS Facilities

TO: Administrator's Council  
Research Leaders

FROM: Edward B. Knipling /s/  
Acting Administrator

I am pleased to inform you that effective May 1, 2003, the Department of Agriculture (USDA) restored the ability of USDA agencies to sponsor visa applications of non-citizen scientists and technical experts to allow them to work in USDA facilities. USDA has long recognized the important contributions that these individuals make to USDA programs.

Following the tragic events of September 11, 2001, USDA undertook a thorough security review of USDA operations. These security assessments included such areas as pathogen controls, physical security of facilities, cyber security, and human reliability. As a result, USDA discovered that fully adequate methods were not in place to determine that non-citizens working in USDA facilities were legitimate researchers or technical experts, and not someone who might present a threat to the U.S. Visa sponsorship by USDA agencies was temporarily suspended on February 27, 2003, until a satisfactory system for human reliability verification was established.

We are fully aware of the many inconveniences that have occurred as a result of this temporary suspension over the past 14 months, and we appreciate your patience during this period. Special thanks are extended to those individuals who participated in the development of the new clearance procedures on behalf of ARS and all of USDA.

The new clearance procedures involve initiating a Name Trace Request for all non-citizens working in ARS facilities. *(Workers are visiting scientists, students, volunteers, collaborators/consultants/ contractors, maintenance personnel, etc. who are actually conducting hands on research or work in ARS facilities).* This includes, but is not limited to, non-citizens who ARS hires or sponsors for visas. At this time, it does not include visitors. *(Visitors are persons who are provided short-term access to ARS facilities for the purposes of tours, workshops/meetings, procurement, training, etc. Non-citizen visitors may or may not have a sponsor; they may be foreign businesspersons or tourists, but they must have a valid visa or permanent resident status.)*

The new procedures for non-citizens working in ARS facilities are briefly outlined as follows:

1. Locations must submit form ARS-230, Non-Citizen Data Sheet, to their Area Office as soon as it is known that a non-citizen has been identified to be a worker at the location. The ARS-230 is available on <http://www.afmtestlab.ars.usda.gov/noncitizen/data.wpd>

2. The Area Office reviews the ARS-230 for completeness and forwards the form to the ARS Office of Homeland Security (ARSHS). Area Offices are to hold all other paperwork (*see below*) until clearance to proceed is received from ARSHS.
3. ARSHS will submit the data to the Counterintelligence Field Activity (CIFA) of Department of Defense for a Name Trace Request. This process should take no longer than 2 weeks.
4. ARSHS will notify the submitting Area Office if the Name Trace Request has been satisfactorily completed. Thereafter, one of the following actions should be followed:
  - a. Hire **B** If ARS is going to hire and fund an individual, the Area Office will forward the SF-52 and accompanying documents to Human Resources Division (HRD) for employment request.
  - b. Sponsor Visa (Funded) **B** If ARS is going to sponsor the visa for a non-citizen and provide support funding (but not hire), the Area Office must submit a completed ARS-215 and a memo from the requestor through supervisory channels and through ARSHS to the Foreign Agricultural Service (FAS). The memo should request a visa application and request setting up a reimbursable agreement with Office of International Cooperation and Development (OICD) for maintenance payments.
  - c. Sponsor Visa (Unfunded) **B** If ARS is going to sponsor the visa for a non-citizen but not provide support funding, the Area Office must submit a requesting memo for visa application, an ARS-214 and an ARS-215 from the requestor through supervisory channels and through ARSHS to FAS.
  - d. Non-USDA sponsor of Visa (Funded) – If the non-citizen has a valid visa sponsored by a non-USDA source and ARS will provide support funding, the Area Office must submit a memo from the requestor through supervisory channels and through ARSHS to FAS, requesting a reimbursable agreement with OICD for maintenance payments.
  - e. Worker Only (non-USDA sponsor of Visa) (Unfunded) **B** Need an approved ARS-230 Only. EXCEPTION: If the individual will be working in a BSL-3 facility, ARSHS must provide specific, written approval before the non-citizen may begin work.

Please note that if the non-citizen is to be hired by ARS, the approval of the Human Resource Development servicing specialist must be received prior to the Location Administrative Officer submitting paperwork for the H-1B or TN visa to the Bureau of Citizenship and Immigration Services (formerly the Immigration and Naturalization Service, U.S. Department of Justice). Detailed information on obtaining H-1B and TN visas is available on the HRD website under Employment of

Non-citizens in Excepted Service Positions.

Check with your Area Office for more detailed instructions and questions on procedures.

cc:

Area Administrative Officers